

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. APPLN. NO. 09/732,701  
ATTORNEY DOCKET NO. Q62251

**REMARKS**

Applicant thanks the Examiner for initialing the references listed on the PTO/SB/08 A & B form submitted with the Information Disclosure Statement filed on December 4, 2003 and returning an initialed copy of the PTO/SB/08 A & B, thereby confirming that the listed references have been considered.

Claims 2, 3, 5-8, 11, 13-16, 18-21 and 23-27 have been examined on their merits, and are all the claims presently pending in the application.

Applicant thanks the Examiner for indicating that claims 2, 3, 5-8, 13-15, 18-20, 23-25 and 27 are allowable.

Applicant herein editorially amends claim 23 to recite "image size resizing", instead of "image size process". The amendment to claim 23 was made merely to more accurately claim the present invention and does not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendment to claim 23 was not made for reasons of patentability.

Applicant herein amends claims 16, 21 and 26 to recite image resizing, color extraction and color pixel reassembly to produce an image feature descriptor using a discrete cosine transform. Support for the amendment to claims 16, 21 and 26 can be found, for example, in the originally filed claims. Entry and consideration of the amendments to claims 16, 21 and 26 is respectfully requested.

1. The Patent Office objects to claims 5-7, 11 and 16 as containing informalities. Applicant thanks the Examiner for the helpful suggestions with respect to claims 5, 6, 7, 11 and 16.

Applicant herein editorially amends claims 5, 6, 7 and 11 to change the phrase “transform processing of coefficient” to “coefficient transform processing” as suggested by the Examiner. The amendments to claims 5, 6, 7 and 11 were made merely to more accurately claim the present invention and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 5, 6, 7 and 11 were not made for reasons of patentability. Applicant submits that the objection to claims 5, 6, 7 and 11 has been overcome, and respectfully requests withdrawal of same.

With respect to claim 16, the sentence containing the phrase “on an entirety of the resized” has been deleted, and therefore Applicant submits that the objection to claim 16 has been overcome.

2. Claims 16 and 26 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lee (U.S. Patent No. 6,345,275). Applicant traverses the rejection of claims 16 and 26 for at least the reasons discussed below.

With respect to claims 16 and 26, Lee discloses, *inter alia*, extracting a feature vector of each sub-block of a normalized image. *See, e.g.*, claim 1 of Lee. In contrast, the invention recited in claims 16 and 26 performs a discrete cosine transform on an image that has been color extracted and reassembled, and then uses the produced discrete cosine transform coefficient as an extracted first group of image feature descriptors. As noted by the Patent Office, Lee discloses,

*inter alia*, dividing the image into sub-blocks (*e.g.*, col. 2, lines 34-35 of Lee) and then producing a discrete cosine transform on the each of the sub-blocks (*e.g.*, col. 2, lines 38-39 of Lee). There is no disclosure that an image is subdivided into multiple blocks, color processed and then reassembled into an image based on the extracted color prior to a discrete cosine transform being performed on the reassembled image.

Based on the foregoing reasons, Applicant submits that Lee fails to disclose all of the claimed elements as arranged in claims 16 and 26. Therefore, under *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367 (Fed. Cir. 1986) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989), Lee clearly cannot anticipate the present invention as recited in independent claims 16 and 26. Thus, Applicant submits that claims 16 and 26 are allowable, and respectfully requests that the Patent Office withdraw the § 102(e) rejection of claims 16 and 26.

3. Claim 21 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lee. Applicant traverses the rejection of claims 21 for at least the reasons discussed below.

Lee discloses, *inter alia*, extracting a feature vector of each sub-block of a normalized image. *See, e.g.*, claim 1 of Lee. In contrast, the invention recited in claims 16 and 26 performs a discrete cosine transform on an image that has been color extracted and reassembled, and then uses the produced discrete cosine transform coefficient as an extracted first group of image feature descriptors. As noted by the Patent Office, Lee discloses, *inter alia*, dividing the image into sub-blocks (*e.g.*, col. 2, lines 34-35 of Lee) and then producing a discrete cosine transform

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on the each of the sub-blocks (*e.g.*, col. 2, lines 38-39 of Lee). There is no disclosure that an image is subdivided into multiple blocks, color processed and then reassembled into an image based on the extracted color prior to a discrete cosine transform being performed on the reassembled image. Thus, Applicant submits that the Examiner cannot fulfill the “all limitations” prong of a *prima facie* case of obviousness, as required by *In re Vaeck*, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).


Based on the foregoing reasons, Applicant submits that Lee fails to disclose all of the claimed elements as arranged in claim 21. Applicant submits that claim 21 is allowable, and respectfully requests that the Patent Office withdraw the § 103(a) rejection of claim 21.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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